

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

AYLESHA FRANKLIN

Plaintiff,

vs.

Docket No. _____

JURY DEMANDED

MELVIN WAYNE TURNBULL and
BLACK EAGLE EXPRESS, LLC.

Defendants

PETITION FOR REMOVAL

COMES NOW the Defendants, Melvin Wayne Turnbull and Black Eagle Express, LLC., by and through counsel of record, Shuttleworth PLLC, and pursuant to 28 U.S.C. § 1446(a) files this Petition for Removal, removing this cause to the United States District Court for the Western District of Tennessee, Western Division. This removal is expressly subject to and this Defendant specifically reserves and does not waive any affirmative defenses to the Plaintiff's Complaint. The grounds for this removal are as follows:

1. On or about March 24, 2022, the Plaintiff, Aylesha Franklin, commenced this civil action against the Defendant in the Circuit Court of Shelby County, Tennessee where the case is currently pending under Docket No. CT-1127-22.

2. Defendant Black Eagle LLC.. was served with a copy of the Complaint on or around May 31, 2022. (A copy of the Complaint and Summons are attached as Exhibit "A" to this Petition in accordance with 28 U.S.C. § 1446(a). No other pleadings or orders have

been served on Defendant in the pending state court action nor have any proceedings taken place in that Court.

3. Defendant Melvin Turnbull was served with a copy of the Complaint on or around March 29, 2022. May 31, 2022. (A copy of the Complaint and Summons are attached as Exhibit "B" to this Petition in accordance with 28 U.S.C. § 1446(a))

4. This Petition is filed within thirty (30) days after Defendants were served with a copy of the Complaint as required by the provisions of 28 U.S.C. § 1446(b).

5. The Complaint alleges various acts of negligence committed by Defendant resulting in damages to the Plaintiff Aleysha Franklin.

6. Plaintiff claims damages in excess of \$75,000.00, exclusive of interest and costs.

7. The Plaintiff is a resident of Shelby County, Tennessee.

8. Defendant, Black Eagle LLC is a limited liability Company, organized and existing under the laws of the state of Kentucky with its principal place of business located in Lexington, Kentucky.

9. Defendant Melvin Wayne Turnbull is a resident of Grandbury, Texas.

10. No properly joined and served Defendant shares common citizenship with the Plaintiff nor is any properly joined and served Defendant a citizen of the State of Tennessee.

11. Pursuant to the provisions of 28 U.S.C. §1332, this Court has original jurisdiction of this action in that the matter in controversy exceeds the sum of \$75,000.00 exclusive of interest and costs, and is between citizens of different states. Accordingly, this action is removable under the provisions of 28 U.S.C. § 1441.

12. Simultaneously with the filing of this Petition for Removal, Defendant is providing written notice of the filing of this Petition to the Clerk of the Circuit Court of Shelby County, Tennessee pursuant to the notice attached hereto as Exhibit "C".

13. Defendant will file responsive pleadings in accordance with Rule 81(c) of the Federal Rules of Civil Procedure unless the time for such response is extended by this Court.

14. A Rule 7.1(a) disclosure statement is being filed contemporaneously with this Petition.

WHEREFORE, PREMISES CONSIDERED, Defendant respectfully petitions this Honorable Court for removal of this action from the Circuit Court of Shelby County, Tennessee to the United States District Court for the Western District of Tennessee, Western Division, pursuant to 28 U.S.C. § 1441.

Respectfully submitted,

SHUTTLEWORTH PLLC

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CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing document has been served upon the following by placing the same, postage prepaid, in the U.S. Mail this the 28th day of April:

Robert L.J. Spence, Jr.
Jarret M.D. Spence
Cotton Exchange Building
65 Union Avenue, Suite 900
Memphis, Tennessee 38103

/s/Robert A. Talley